

DEPARTMENT OF BOATING AND WATERWAYS

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To: Boating and Waterways Commission Members

From: Department of Boating and Waterways, Legislative Unit

Subject: **LEGISLATIVE REPORT, February 27, 2009**

This report was prepared on February 11, 2009.

ASSEMBLY BILLS

AB 13 (Salas) Sacramento San-Joaquin Delta Conservancy. AB 13 would establish the Sacramento-San Joaquin Delta Conservancy to provide policy oversight, foster implementation of, and manage funds to implement those components of, a comprehensive delta sustainability program intended to restore and manage habitat in the Sacramento-San Joaquin Delta and Suisun Marsh.

Sponsor: Author

Status: Referred to Assembly Committee on Water, Parks and Wildlife 2/5/2009

Department Position: No approved position

AB 39 (Huffman) Sacramento-San Joaquin Delta: Final Delta Vision Strategic Plan.

AB 39 would declare the intent of the Legislature to enact legislation to implement the recommendations in the Final Delta Vision Strategic Plan issued by the Delta Vision Blue Ribbon Task Force and the Delta Vision Committee.

Sponsor: Author

Status: Introduced 12/1/2008

Department Position: No approved position

AB 166 (Lieu) Vessels: abandonment: abatement. AB 166 would 1) define the term "surrendered vessel", 2) establish conditions under which public agencies could accept such vessels from willing owners, 3) increase the minimum fine for abandonment of a vessel, 4) allow a public agency to dispose of a surrendered vessel immediately upon acceptance from the surrendering party, and 5) prohibit the state from assuming any liability resulting from the processing or disposal of surrendered vessels, as defined.

The bill would also allow the Department of Boating and Waterways (DBW) to provide Abandoned Watercraft Abatement Fund (AWAF) grants to local agencies for disposal of surrendered vessels, and would require DBW to track the grant program activity between January 1, 2009 and January 1, 2011, and to report that information to legislative committees, as specified, by July 1, 2011. This bill would also sunset all of the above requirements on January 1, 2012.

Sponsor: CA Association of Harbor Masters & Port Captains, Marine Parks & Harbors Association, CA Yacht Brokers, Marina Recreation Association, Northern CA Marine Association, Southern CA Marine Association, Western Boaters Safety Group

Status: Introduced 1/29/2009

Department Position: No approved position

AB 248 (Lowenthal, Bonnie) Public resources: ballast water management.

AB 248 would require the master, owner, operator, agent, or person in charge of a vessel carrying or capable of carrying ballast water to maintain on board the vessel, in written or electronic form, records that include the manufacturer and product name of the ballast water treatment system on board the vessel, the name of the organization that has approved the system, the approval or certification number of the system technology, and the number of tanks and the volume of each tank that is managed using the system. The bill would require the master, owner, operator, agent, or person in charge of the vessel to provide that information to the State Lands Commission in electronic or written form using a form developed by the commission upon the vessel's departure from a California port or place of call.

Sponsor: Author

Status: Introduced 2/10/2009

Department Position: No approved position

SENATE BILLS

SB 12 (Simitian) Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009.

SB 12 would enact the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6 billion. The bill would establish the state Delta Water and Land Use Authority, prescribe the composition of its board of directors, and grant it a broad range of powers relating to preservation of the Delta ecosystem and delivery of a reliable state water supply. The bill would authorize the authority to contract to design, construct, and own one or more

facilities to move water from the Sacramento River to federal and state pumping facilities on behalf of the State Water Project, the federal Central Valley Project, and local water agencies that can reasonably be served by those facilities. The bill would authorize the authority to exercise the powers and duties of the Department of Water Resources with respect to the financing, design, construction, ownership, and operation of those facilities. The authority would succeed to the powers and duties of the California Bay-Delta Authority, which would cease to exist on the date on which the authority conducts its first meeting.

The bill would establish within the California Coastal Commission the Delta Watershed Conservancy. The conservancy would be required to implement projects and programs, within the watershed of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and the watershed of the Trinity River, to restore and enhance the bay-delta ecosystem and improve water quality. The bill would require the authority to adopt or reject each decision of the conservancy.

The bill would subject any approval of development by a city or county in specified zones of the Delta, and certain lands adjacent to the Delta, to review by the Delta Protection Commission. The commission would be prohibited from approving that development unless specified requirements are met. The bill would require the authority to adopt or reject these land use decisions of the commission. Public agencies would be required to manage agricultural lands they own within the Delta in a specified manner.

The bill would provide that its provisions would only become operative if a specified measure is approved by the voters at a statewide general election.

Sponsor: Author

Status: Referred to Senate Committees on Natural Resources and Water, and Local Government 1/29/2009

Department Position: No approved position

SB 21 (Simitian) Fishing Gear. This bill would require the Department of Fish and Game, in collaboration with the Ocean Protection Council, by January 1, 2011, to recommend to the Fish and Game Commission sustainable funding sources for a program for the prevention of the loss of fishing gear and for the recovery of derelict fishing gear, as defined. The department would be required, by January 1, 2011, to include on all fishing licenses and in all appropriate official brochures a toll-free telephone number for the purpose of reporting derelict fishing gear and the address for

an Internet Web site that maintains a reporting system for derelict fishing gear. The bill, on and after July 1, 2012, would require a person who loses commercial fishing gear, and certain commercial passenger fishing vessels, to report, in the manner prescribed by the department, in collaboration with the council, the location at which the fishing gear was lost, the name and fishing identification number of the person owning the fishing gear and of the person fishing with the gear if different than the owner, and the type of lost fishing gear within 48 hours of losing the fishing gear and returning to port. By July 1, 2012, the council would be required to identify and, if funding is available,

establish and maintain, or support, a database of known derelict fishing gear. The council would be required by January 1, 2013, and annually thereafter, to take certain action to achieve specified targets for the removal and disposal of derelict fishing gear. On and after July 1, 2012, all traps and trawl nets deployed in the waters of the state would be required to be tagged or coded, in the manner prescribed by the department, in collaboration with the council, with specified information to aid in the identification of the source of any derelict fishing gear. The bill would provide that, if the department does not have sufficient personnel to carry out any of these provisions, the department would be authorized to contract with appropriate parties for those services if funds are available for that purpose.

Sponsor: Author

Status: Referred to Senate Committee on Natural Resources and Water 1/29/2009

Department Position: No approved position

FEDERAL BILLS

S. 336 (Inouye) Economic Stimulus Package. This bill would make supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes. The bill contains funding for the Army Corps of Engineers and the Bureau of Reclamation that may be appropriate for infrastructural, environmental and research projects under the authority of the Department of Boating and Waterways.

Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 19

Department Position: No approved position